

United States District Court
District of Massachusetts

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Melo, u Punch
Amy Whalen
Plaintiffs
VsCivil Action No
22-30149-KARMassachusetts Department of
Children and Families (See attached sheet)
Amended Complaint

FEB 24 '23 AM 11:40 USDC

① Plaintiffs Alleged that the violations of our Constitutionally protected rights began April 5, 2013 at Boston Medical Center when registered Nurse Perez acting in his Capacity as Acting Hospital Administrator placed a call to the Boston Department of Children and Families. The call according to Case Dictation Notes was screened in as an emergency response and Supervisor Jesenia Collado was contacted. She initiated an emergency response and dispatched ERW's emergency response workers Carolyn Pitter and

Defendants

- ② Carolyn Pitter Def Boston
- ② Marygail Cullinane Def Boston
- ③ Jezenia Collado Supv Boston Def
- ④ Ru Perez Boston Medical Center
acting Hospital Administrator
- ⑤ Melissa Dean CPS Boston Medical
- ⑥ Boston Medical Hospital
- ⑦ Judge Leahy Family Court Judge
- ⑧ Executive Office of Health and
Human Services Commonwealth of
Massachusetts
- ⑨ Jill Jeffers Def Worcester
- ⑩ Ellen Ward Supv Def Worcester
- ⑪ Foster Mom Robert
- ⑫ Foster Dad Kathleen
- ⑬ Area Program Manager William Triunfo
Def
- ⑭ Area Manager Def Ann Horgan
- ⑮ Christine Kline Licensed psychologist
- ⑯ Mary Pat LeBlanc Court investigator
- ⑰ Jennifer Fornsbury psychologist
- ⑱ Marine Matuzak Fathers Attorney
- ⑲ Anthony Mansfield Asst Regional
Def Attorney

20. Allison Dejordy Social Worker Def
21. Cierra Fitz Def Worcester Social Worker
22. Deema Noel Adoption Worker
22. St Vincents Hospital
24. Monique Anderson Social Worker
Saint Vincents Hospital
25. Eric Deyn Def Worcester Social Worker
26. Kevin Wallace Supv Def Worcester
27. Tricia Blake Social Worker Def
28. Alexis Cadner Social Worker Def
29. Womens and Infants Hospital
Rhode Island
30. Umass Memorial Hospital
31. Attorney Villa Def Attorney

Marygail Cullinane to Boston Medical Center where they arrived late evening. Upon arrival Social worker Pitter informed the plaintiffs they were taking custody of their son Melvin Andrew Punch. A permanency

Hearing document of January 20, 2015 states that the Department of Children and Families became involved when a 51A was screened in for an emergency response due to a mandated reporter alleging Neglect and Abuse of Melvin A Punch.

D.O.B 4/15/2013 by his parents, Amy Whalen and Melvin Punch. It states that Ms Whalen arrived at Boston Medical Center in active labor and delivered a baby boy. It says Ms Whalen has had five biological children who have been all adopted after being in DCF permanent custody. That Ms Whalen tested

Positive for Cocaine, Opiates and Oxycodone at delivery. and after delivery, baby Melvin was not tested as Ms Whalen and Mr Punch refused to allow child to receive medical care. And that there was further concern that Ms Whalen's own medical history of Herpes and Hepatitis C placed reported child at significant risk if he failed to receive medical care in a timely manner. That Ms Whalen has a significant history of poly substance abuse and that she was not in treatment at the time of the birth. And that at the conclusion of the SIB investigation, allegations of neglect by both parents were supported.

Every order entered to care and custody shall include specific findings of fact made by the court which clearly demonstrate the injury, harm or damage that might reasonably be expected to occur if relief pending a modification is not granted. An order entered relative to care and custody, pursuant to this section may be entered relative to care and custody. This was not done when my son Melvin Andrew Puch was taken into custody by Department of Children and Families Boston Social Workers on the night of April 5, 2013. Additionally no warrant was issued by any court at the time and date of his removal from his parents custody at Boston Medical Center by Boston Department and Children and Families which had been signed by a judge with an affidavit signed by 2 cooperating witnesses was obtained by Boston Department of Children and Families Social Workers on the

evening of April 5th 2013 prior to (5)
my son being taken into DCF Boston
Custody. Lastly my son Melvin Andrew
Punch was removed from the custody
of his parents Melvin Punch and Amy
Whalen using what Boston DCF workers
Pitter and Cullinane with direction
and Approval of their Supervisor Jesenia
Collado believed to be in compliance
with Massachusetts Codes, rules and
regulations. It is the plaintiffs
argument that these Codes rules and
regulations which these defendants
used to remove their son Melvin
Andrew Punch are for government
Authorities only and not for human/
Creators in accordance with God's laws.
All Codes, rules and regulations are
unconstitutional and lacking due
process. We believe that the removal
or severe diminishment of a caring
loving, available parent from a child's
life is a cruel, abusive infringement
upon a child's Life.

② On 4/5/2013 Carolyn Pitter did a brief interview after she informed plaintiffs Amy Whalen and Melvin Punch that the Boston Department of Children and Families was taking custody of our son Melvin M. Punch. From DCF Case Dictation Information files dated April 7, 2013 JeBewia Collado Supervisor Boston States that Social Worker Pitter States that Amy Whalen told her on the evening of April 5th 2013 at Boston Medical Center. The report reads the worker met with mother alone. the mother's primary concern is that she is worried that her baby will be taken away. That the mother was informed of the concerns reported to the Department. Mother Stated that she and the father did not refuse medical treatment for the baby

ON April 5 2013 Plaintiffs arrived at Boston Medical Center with plaintiff in active labor. Plaintiff Amy Whalen upon arrival stated to hospital staff that she was Amy Whalen and gave admittance staff her date of birth when the staff entered the date of birth the hospital records of plaintiffs twin sister Christina Whalen came up. Christina Whalen had given birth a year ago at the same hospital and the child was injured in her care. The staff immediately began calling plaintiff Christina and became extremely rude and discourteous. As plaintiffs explained that she was in fact Amy Whalen and not Christina Whalen and that plaintiff Amy Whalen could only give birth by C-section due to concerns of her exposure to genital herpes

Boston Medical Emergency Room Staff⁸ ignored plaintiffs completely rushed plaintiffs into a small room off of the side of the main entrance left plaintiff Amy Whalen on a flat gurney and did absolutely nothing to assist her in the birth of my son Melvin Andrew PUNCH. The emergency room staff were indifferent to Amy's screams and I held her slightly raised up as my son was born. When his head emerged only then did a doctor come over and rudely yanked my son out of her. He was placed in a warmer and stared about quietly. The delivery room staff had acted horribly. Their inaction nearly led to the death of both Ms Whalen and Melvin Andrew. By that time hospital had correctly identified plaintiff as ~~Ms~~ Amy Whalen

As hospital staff read her record
she became aware of Plaintiff's
prior record with the Massachusetts
Department of Children and Families
and that she had lost 5 children
at birth to DCF. ~~The~~ Within
one hour of his birth Melvin
Andrew was being taken away
by hospital staff. Already irate
at how the staff had treated
Plaintiff initially Plaintiff
Melvin Punch were very skeptical
of the hospital's intentions.
Approximately 2 hours after his
birth hospital staff informed
Plaintiffs that they needed to
measure the newborn's feet
size for identification purposes
and that this procedure would
take just a few moments.
At the examination station

there were 3 other basiwetts of 10
baby newborns and my son was
wheeled over with them. I was
informed that the exam would
take 3 or 4 hours and I
could come back after. I informed
them that was unacceptable and
asked for a Supervisor. The
Supervisor informed me to sign
a notice of non treatment I
did. As we were leaving a doctor
stuck the baby and made him
cry. A notice stated any patient
can request a transfer to
another hospital via Ambulance
I requested a transfer to
U Mass in Worcester. After
some time in the room with
the baby the head doctor came in
a woman doctor who asked why
I had refused treatment I

the misidentification, the birth on a flat gurney, the inaction of the delivery room doctors, the rough handling of my son at birth, then the misinformation about what the hospital wished to do with the baby all convinced me to transfer. This Dr walked us to the front desk to sign us out with the baby, a nurse acting hospital administrator overruled her and called Boston Department of children and families. The baby was being signed out into Plaintiff Melvin Punch's custody. The male nurse who overruled the decision of the head doctor on duty that evening was Snatchez. Soon thereafter Hospital Security Arrived. They Separated me from Amy and Melvin Andrew. I was placed in a very small room with two Hospital Security

Guards guarding the door. They made it very clear I could not leave.

After a while I began informing them that my rights were being violated and that I was going to sue them. They kept me in that room nearly 3 hours until Department of Children and Families Carolyn Pitter and Cullinane arrived at nearly 1am. The mandated reporter now changes to Christine Curry from Sanchez and the reason DCF called changed from because of mother's past involvement with DCF to how the plaintiffs were unsatisfied with the pediatric care not they misidentified Plaintiff Whalen and forced her to have a vaginal birth because they had not accessed

Amy's birth records. The mandated Reporter also States that the plaintiffs wanted to leave the hospital with the baby when the actual facts were we wanted him transferred to another hospital. DCF Social workers Pitter and Cullinane then went to Court and stated father denied baby care when he could have been herpes exposed where the hospital caused that risk of exposure by not correctly identifying Plaintiff Whalen. From the point onward every narrative, foster care review, court hearing, report or conclusion drawn from that false narrative affects every individual who

either worked or was associated¹⁴
with this case. The false
narrative of the hospital Dr Christine
Curry. The mandated reporter the
hospital reports contacted DCF
stated falsely that Melvin Anderson
appeared to be withdrawing
this also was a falsehood.
The Doctor who I spoke to
who was head physician on
duty that evening had examined
the baby and had determined
he was fit to leave with us,
she walked us to the desk to
sign us out. There were no
signs of any withdrawals
baby was calm and sedate
Boston Medical and Boston
DCF falsified documents and
completely changed the narrative.

The narrative went from improper care of my infant son and his mother to the plaintiffs denying our son immediate medical care he was deemed as needing due to hospital error to plaintiffs attempting to leave the hospital with the infant against hospital advice. Social workers Pitter Cullinane and Collado did use their official authority to write false statements, commit perjury all with the intent of defrauding the federal government by accessing federal funds available once their son was placed into the Massachusetts foster care system. A medical discharge summary issued by Boston Medical Center dated April 5, 2013 medical record number 389 6136 does list the admission date as 4/15/2013 with a discharge date for Amy Whalen as 4/15/2013. The report states that a 29 y.o

G6P5 admitted in active labor. Prenatal care at outside hospital, patient denied medical exam revealed no lesions. Patient progressed rapidly to NSVD live male infant. Placenta delivered intact. first degree laceration not necessitating repair. EBL 200. Additional prenatal labs sent. including HCV given risk factors. Please see the extensive documentation regarding the remainder of her hospital course. In short the patient requested to leave AMA shortly after delivery. Given her hx of PSA and + utox for Cocaine, opiates and Oxycodone as well as the fact that the family did not permit the infant to be evaluated by the pediatric team, there was involvement of Child Protective Services, DCF, Social work, Security, Risk management the situation resolved with the mother leaving AMA and the infant being taken into DCF Custody.

This Clearly Shows Boston Medical Center and the Department of Children and Families Boston Conspiring together to create this false Narrative in order to deprive plaintiffs Amy Whalen and Melvin from their Constitutionally protected parental rights, and denied plaintiffs their interest to care for and manage their son Melvin Andrew from this is in direct violation of Sandosky vs. Kramer 455 U.S. 745, 753 (1982). As the previously mentioned Information Files April 7, 2013 State Social worker Pitter states that during her private interview with Amy Whalen Amy disclosed that she was worried that the baby would be taken away. That being the case then why would Amy Whalen make this report taken from Case Dictation Information printed 07/01/2015. as told by Social Worker Pitter.

Amy Whalen and her Sister Christina Whalen had gotten together to celebrate their birthdays. Ms Whalen reports that she and Melvin drove out to Boston. She reports she was not sure exactly where they met but that it was at some shops near the water. She reports that Melvin gave her \$100 and told her to buy herself something nice for her birthday. She reports that Melvin dropped her off to shop with her sister. Ms Whalen reports that her sister invited her to come to a friend's house. She reports that when she arrived that she drank a beer. She went on to say that her sister came out with some crack to smoke. She reports that she smoked crack with her sister Christina. Ms Whalen reports that about a 1/2 hour later she went into labor. She went on to say that when this happened

She drank a few more beers to try and come down of her high. Ms Whalen reports that she did not want Melvin to know she was high. She called Melvin and told him she was in labor. She reports that she was dropped off back where Melvin left her so that he would not know that she had left to go somewhere else. She reports that Melvin picked her up and that they drove to the hospital. Ms Whalen reports that she had been in labor for about an hour when she got to the hospital. The report also states Ms Whalen states that she used crack twice before she knew she was pregnant. This report ends stating SW notes that Melvin PUNCH's accounts of events of this prior to the baby being born on this day are very different. Melvin reports no stops from when they left their home in Worcester until they reached

Boston Medical Center. Facts are my statements were 100% true. None of the statements written by social worker Pitter were true or spoken by Amy Whalen. Her previous DCF history speaks of 5 other instances where those events may have occurred but April 5th 2013 was not one of them. Amy's twin sister would never leave her twin in labor, high on crack and beer on some street corner to be picked up. Her sister has children and a family. There is speed pass footage I still have of me driving through the speed pass lane doing 60 miles an hour on the Mass pike that's time and date stamped. It clearly shows we arrived at Boston Medical Center moments later.

this false narrative of events have been created by Carolyn Pitter, Marygail Cullinane, Josemar Collado and Boston Acting Director Perez on the evening of April 5th 2013 or it has been changed. Throughout the decade this has occurred every social worker, lawyer, or any individual is tainted by this false narrative created to deprive my family of our Constitutionally protected rights.

3. The Case Summary from Case Dictation Information Sheets state "Baby Melvin tested positive for cocaine and Oxycodone on April 6, 2013. On the evening of April 6 2013 he started to display signs of withdrawal and he was started on Neomatal Morphine.

It is the plaintiffs contention that the series of events which occurred that evening were a serious violation of my rights and the rights and safety of my family. Lab results for Amy Whalen from BMC Yawkey 850 Harrison Ave Boston MA with an admission date of 4/5/2013. All results This is a screening assay only and results are reported as presumptive positive or negative using a cutoff concentration of 50 ~~ng~~ /mL results are to be used for clinical evaluation only. Confirmation testing was not performed. Amy Whalen never gave Boston Medical Signal permission to test her the nurse said she took it from the toilet. The head physician examined the baby and was releasing him to my custody with a promise I would take the child to the

hospital in the morning. Why wasn't
Amy Whalen's Statement recorded? For
The few hours we spent with our
Son he was happy and held. We
spent every moment hugging and kissing
him. Until he was snatched away
and placed in a nursery with others
for less affection. Those withdrawals
they imagined were most likely
parental Separation Syndrome. more
prevalent with mother child separation.
If so the medical regime selected
for my Son was illegal and immoral.
It is a clear violation of the
plaintiff's interest to care and
manage their child.

41. Original Case dictation notes dated 4/9/13 States Ms Pitters actual interview it States this worker met with mother alone. Her primary concern is that she is worried that her baby will be taken away by the Department. Mother was informed of the concerns reported to the Department. She stated that she and father didn't refuse medical treatment for the baby. Mother stated that the baby went up to the nursery and the hospital failed to do exam on the baby. She stated that the hospital is at fault because they should have done what they needed to do when the baby was born. Then it states mother appears to be under the influence. was waddling off w/ steady on her feet. After having a baby.

the original report also states that the mother had received prenatal at Med City mother denying she had any active infections that she had recently been prescribed medication for it and that she understood the baby needed medical attention as soon as possible. She stated she came to Boston to visit her identical twin sister but never made it there. How does this change from one narrative to another? This dictation note does state interview with the father. The worker spoke with father Melvin Punch. He informed this worker that he was not happy with the treatment his family has received at the hospital. Father stated that he will be filing a law suit against the hospital staff. Every action Boston medical took after that was to protect themselves from that.

5 From Commonwealth of Massachusetts
Department of Children and Families
Case Dictation Report Staff member
Jessenia Collado Contact date 4/8/2013
2:55pm Narrative OCS. Jessenia Collado
received a call from Melissa Dean of
Boston Medical Center. She explained
that the baby was put on AZT.
Medication as a prophylactic
treatment because there is concern
about HIV. The mother refused to
be tested for HIV during her
third trimester of pregnancy.
The baby will need to be on AZT
for at least the first 2.5
months of life. Yet the mother
was not positive. These acts
by Boston Medical Center violated
the parents right to conceive
and raise their children.

Case notes also from April 8, 2013
State On Call Supervisor Jesse Collado
Spoke with Child Protection Social Worker
Melissa Dean of Boston Medical Center.
Ms Dean reports that Baby Boy Whalen
tested positive for Cocaine and Oxycodone
on April 6 2013 the day after he was
taken into DCF Custody. On the
evening of April 6 2013 the baby
started to display signs of withdrawal
and he has been started on morphine.
Currently the baby is taking 0.13
milligrams of morphine every four
hours. The baby is currently in
the Nursery and will be transferred
to the pediatric unit at Boston
Medical Center as he will require
hospitalization. Meconium testing
has been ordered and the results
will be available in approximately
one week. So explain how was
he found positive? Supervisor
Collado also spoke with Boston
Medical Center pediatrician

Dr Lisa Mahoney who explained that the baby will continue to require daily assessments to determine whether he has active herpes lesions. Dr Mahoney explained that the mother's lack of follow through with her anti viral medication during pregnancy places the baby at risk. Yet Boston Medical forced a vaginal birth through misidentification and Amy Whalen Informal Social Worker Pitter that she did indeed follow up on her medication.

C. On April 8, 2013 a Care and Protection Petition was filed by the Department of Children and Families Boston. The Social Worker who filed the petition is Carolyn Pitter. Social Worker for the Department of Children and Families who deporal and said I am a Social Worker employed by the Department of

Children and families. My Office is located at 50 B Park Street, Dorchester MA 02122. I responded to this report within my role as emergency response worker for the child at risk hotline. The Subjects of the instant petition before the Honorable Justices of Justice of Boston Juvenile Court 24 New Chardon Street Boston MA 02114 from the Commonwealth of Massachusetts Executive Office of Health and Human Services Department of Children and Families are Baby Boy Whalen DOB 4/5/2013 address Boston Medical Center One Boston Medical Center Boston MA 02118 mother's name Amy Lynn Whalen Biological mother DOB 4/5/1984 Address 102 Beaconsfield Road Worcester MA 01602 father's name Melvin Punch Biological father DOB 1/26/1961 Address 102 Beaconsfield Road 01602.

7. The parents were not notified to attend the April 8th 2013 Care and Protection hearing in Boston Juvenile Court. On April 12 2013 according to department records a Contested temporary Custody hearing was held in Worcester Juvenile Court before Judge Leahy in Worcester Juvenile Court. At that hearing Plaintiff Melvin Punch informed the Court that it was his desire to raise his son Melvin A. Punch together with his mother Plaintiff Amy Whalen as a family. But if the Court deemed that as not practical that I would house Amy Whalen in a separate residence and raise my son myself. Judge Leahy replied that the Court was going to go with my first statement to proceed as a family and ordered my son Melvin Andrew Punch into DCF Custody.

While Ordering parents to Attend all Services the Department of Children and Families required. Case Law Rodriguez vs. Ray Donovan States all Codes rules and regulations are for Govt Officials Only not human creators in accordance with God's Law. This Unconstitutional ruling by Judge Leahy using false testimony as evidence deprived plaintiffs of their right to a fair trial under our U.S. Constitution. At no time did this plaintiff Contract with defendant Department of Children and Families to perform Services to regain custody of his Son. Plaintiff did attend some Services to expedite the return of his Son. At the Conclusion of the April 12, 2013 Temporary Custody hearing Social worker Jill Jeffers introduced herself as the Department of Children and Families Worcester West Social Worker Assigned

to the case, Jill Jeffers Direct Supervisor at the Department of Children and Families Worcester West was Ellen Ward who took direct control of the case.

8. From Case Dictation Information dated 7/7/2015 the Staff Member Ellen Ward, contact date 4/22/2013 11:16am narrative phone call to DCF Social Worker Holli Hill and left a voice mail asking her to return call regarding potential placement for Melvin with his half-siblings adoptive parents. From Same Dictation Information sheet dated 7/7/2015 the Staff Member Ellen Ward contact date 4/22/2013 11:40am narrative: return phone call from Ms. Mitchell, Children's Friend, who described Colleen Armiger and her husband to be wonderful people. She stated that she is not sure if they would be interested in taking placement of another child, but said she would not be surprised if they did.

Ms. Mitchell again expressed having positive opinions of this family.

Same Dictation Information Sheet dated 7/7/2015 the Staff member Ellen Ward contact date 4/22/2013

4:26 pm Narrative return phone call from Colleen Armiger, previous adoptive parent, and Supervisor explained situation regarding the Department seeking a placement for Melvin. Supervisor also provided her with details relative to his health and why the care and protection was filed. Mrs Armiger stated that as much as she would like to, she has her hands full with what she has already. However she said that she would like the night to think about this. Same

Dictation Information Sheet dated 7/7/15 the Staff member Ellen Ward contact

date 4/23/2013 9:29am Narrative.

Supervisor received a voice mail from Mrs. Armiger who stated that she would not be able to take placement

for Melvin She can not take on this extra responsibility. She expressed sorrow for not being able to do so, but said she does not feel this would be in the best interest of her family. Same Dictation Information Sheet dated 7/1/2015 the Staff member Jill Jeffers date 4/23/2013 2:45pm narrative Social worker drove to Boston Medical Center to discharge Melvin from the hospital. Social worker met with Melvin's nurse and doctor who reviewed discharge instructions. Melvin is being discharged with no medications. Melvin is on a 24 calorie formula. Social worker requested the recipe for this formula to pass on to Foster parents. Case dictation Information Sheet dated 7/1/2015 the Staff member Jill Jeffers date 4/23/2013 7:10pm narrative Social worker brought Melvin to his Foster placement for the night. Social worker reviewed medical history with Foster mother as

Well as hospital discharge instructions. Social worker provided foster mother with donated clothing and supplies from the hospital for Melvin. Social worker informed foster mother she would be contacted tomorrow.

These actions by defendants Ellen Ward and Jill Jeffers are built upon assessments made by Boston Medical Center Acting Hospital Administrator on April 5th 2013, Carolyn Pitter Social Worker Department of Children and Families Boston, Marysail Cullivane Dcf Boston, The Commonwealth of Massachusetts Executive Office of Health and Human Services, Department of Children and Families Worcester West and family Court Judge Lechry to All Commit a Conspiracy to Commit kidnapping and perjury and deprive these plaintiffs of their Constitutionally protected rights to parent their child.

this was done in violation of the due process law. and is a breach of Trust of these public officers.

These plaintiffs do state that we are independent of all laws except those prescribed by nature. We are not bound by any institutions formed by our fellow man and do not consent to be so bound.

From Case Dictation Information notes run date 6/16/2015 the staff person

Jill Jeffers date 5/3/2013 9:15am narrative Social Worker went to the PUNCH/Whalen home for scheduled home visit.

Upon arriving Mr. PUNCH answered the door and welcomed Social Worker in. Mr. PUNCH reported that Mrs. Whalen would be down soon. Mr. PUNCH also reported that Mrs. Whalen had scheduled group at Spectrum today as her service plan had requested. But could not go because of this scheduled home visit. Social Worker Jeffers replied that the visit could have been rescheduled around her group and

In the future that it's more important for her to attend the group. Social worker met with the family in the living room. The home appeared clean, organized and free from any visible hazards. Social worker asked to see the room where the baby would be staying. Overall the room appeared appropriate. The room contained a crib, changing table, diapers, wipes and many children's clothing items. The parents have more than adequate supplies for baby. The defendants' attempts to place Melvin A. Pugh in a home where the parents' home was more than adequate shows these defendants' violations of plaintiffs' constitutionally guaranteed rights. By placing child in any home available placed child at risk when DCF was willing to place child anywhere but with their parents. All of these individuals contributed false statements which deprived parents of their rights.

And the ability to properly raise their child. These false statements become the basis of the narrative the Department of Children and Families would use to deprive plaintiffs of four children.

9. As part of The Department ~~and~~ ^{of} Children and Families false reunification plan with the plaintiffs DCF Worcester West Supervisor Ellen Ward and Social Worker Jill Jeffers presented to plaintiffs a Service Plan. The Plan states that it is an agreement between the Anderson Family and the Department of Children and Families named Anderson from MS Whalen's previous DCF Case. The Case is solely with plaintiffs Melvin Punch and Amy Whalen. The Service Plan states it is for the period of 5/9/2013 to 11/09/2013. The plan states as Family Strengths and Needs and briefly states the specific reasons why services are being provided to this family.

The Anderson (Whalen) / Punch Family became re-involved with the Department when a SIA was screened in for an Emergency Response on 4/5/13 due to a mandated reporter alleging neglect of Melvin Punch, DOB 4/5/2013 (a.k.a Baby Boy Whalen) by his parents, Amy Whalen and Melvin Punch. Ms Whalen arrived at Boston Medical Center in Active labor and delivered a baby boy. Ms Whalen has had five biological children who have all been adopted after being in DCFS permanent custody. Ms Whalen tested positive for cocaine, opiates and Oxycodone at delivery. ~~Punch~~ After delivery, baby Melvin was not tested as Ms Whalen and Mr Punch refused to allow child to receive medical care. There was further concern that Ms Whalen's own medical history placed reported child at significant risk if he failed to receive medical care in a timely manner. Ms Whalen has a significant history of Poly substance abuse and was not in treatment at the time. At the conclusion of the SIB investigation allegations of neglect by both parents were supported. As of 5/1/2013 The goal for family is permanency through

Reunification of the family in this document and yet reunification was never these defendants intentions.

Tasks as outlined in the Service Plan are Social Worker to visit the home at least monthly and view/interview all members of the family. make all necessary service referrals and monitor the provision of services. Monitor progress of all family members toward achievement of Service Plan outcomes. Maintain regular contact with collaterals. Continually assess the needs of the family and update services as needed. Attend all Case Conferences. Tasks for the Providers The foster Parent agrees to ensure that the child's basic needs are being met on a daily basis. Ensure that the child receives emergency and routine medical/dental care. Meet with DCF Social Worker once per month and as needed. Attend all Case Conferences

Visitation Schedule of the Service Plan States Parent/visitor Supervised. Comments. Mr Punch will have Supervised visits with Melvin a minimum of one hour twice per month at the DCF Office, It is expected that Mr Punch will not arrive to visitation under the influence of any illegal substances or alcohol and should he appear under the influence the visit will be terminated. It is expected that Mr Punch will not display any out of control behaviors which includes but is not limited to yelling, swearing, or threatening of any kind. It is expected that Mr Punch come on time and come prepared with supplies for Melvin which includes but is not limited to diapers, diaper cream, wipes and extra clothes.

Comments About Parent/visitor Amy Whalen Were the Same. On 5/10/2013 there is a notation the Service Plan was changed/updated.

This Service plan is Signed by Supervisor Ellen Ward Sholiz, Social Worker Jill Jeffers Foster Parent Robert and Foster Parent Kathleen Sholiz.

It is the plaintiffs Contentious that the Service plan, placement of and removal from birth parents violated plaintiffs rights to live together without governmental interference, our due process rights and our right to parent and direct the care, upbringing and education of our child. Our rights under May v. Anderson which guarantees our parental rights as more precious than property. The defendants did conspire by conference to use codes, rules and regulations in addition to perjured and altered documents to deprive plaintiffs their constitutionally protected rights using color of law. Plaintiffs constitutional rights were violated these rights were clearly established at the time of violation. Conferences to decide the actions taken in plaintiffs case were endorsed and sometimes attended

by Area Program manager William Trineque and Area manager Ann Horgan, all decisions on the actions taken in plaintiffs Case with Def worcester West are approved by them.

10. From Def Assessment Worksheet printed 7/1/2015 the Childs personal history Section reads Melvin Andrew Richard Fred Alexander Paul was born on 4/5/2013 in Boston MA at Boston Medical Center to Amy Whalen and Melvin Puch.

This Social worker notes that the birth certificate was not signed until 4/23/2013 and Mr Puch is listed on the Childs Birth Certificate. Baby Melvins parents are not married, however they refer to each other as husband and wife. Paternity testing is place and will be conducted on Wednesday

6/19/13. Ongoing Social Worker Jill Jeffers informed plaintiff Melvin Paul that because of Amy Whalen previously naming other men to being fathers of her new born children the Department of Children and families Worcester West were ordering me to perform a paternity test to determine if in fact I was the baby's biological father

Jill Jeffers informed me that it was the department's intention to exclude me from the care and protection if I was deemed not to be the biological father. The same Assessment worksheet printed 07/01/15 written in May of 2013 states that Social Worker Jill Jeffers on instructions from her Supervisor Ellen Ward does has concerns that Melvin Senior continues to live with a known Substance Abuser. It notes that despite recommendations by the department due to Mrs. Whalen's long time Substance abuse history to be in an inpatient program has not followed through with the recommendation for Mrs. Whalen. Melvin continues to minimize Mrs. Whalen's Substance abuse and reports that he had no knowledge or belief that Mrs. Whalen was continuing to use drugs and alcohol during her pregnancy. The same Assessment Sheets printed 7/1/2015 written May of 2013 by Jill Jeffers states under Parenting Skills Strengths and Weaknesses, Melvin Punch

Appears to feel as though he is more than capable of parenting baby Melvin due to the fact he has raised two adult children. He reports that they are two well educated women with good jobs and that this must mean he has appropriate parenting skills. Melvin's interactions with baby Melvin appear to be appropriate during supervised visits and he is able to demonstrate he knows how to take basic care of an infant. The Department has questions in regards to baby Melvin's paternity due to Ms. Whalen's history of alleging fathers who did not end up being the father of the child. It is of serious concern of Melvin being able to provide care for baby Melvin because he still remains in a relationship with Ms. Whalen who has a long and significant history of substance abuse and mental health issues. It does not appear that Melvin would be able to set limits with Ms. Whalen or know whether she is posing a safety risk as he has a history of minimizing her

Substance abuse and mental health needs. It is also noted that it is still unclear if Melvin has any current issues with illegal substances or prescription medications. As to date Melvin has not followed through with the Substance Abuse Evaluation required by the department. It is also noted that Melvin is prescribed narcotics and muscle relaxers due to chronic pain from a previous job injury. This is of concern for two reasons. This Social Worker has been unable to confirm with Melvin's doctor who prescribes this medication, the side effects it poses in regards to his ability to parent as well as to confirm the diagnosis as to the prescription. The other concern is that Ms. Whalen has a history of taking prescription medication of other partners and whether Melvin is supplying Ms. Whalen with this medication. Melvin Reports and this Social Worker notes that Melvin has his prescription medication in a locked room and that it is not locked in a room because of her.

It is the plaintiffs contention that these acts perpetrated by these defendants created a conspiracy and agreement between these individuals to deprive plaintiffs of their rights. By using assessments which are formulated through the biases of the person doing the assessment defendants conspired to use conjecture as fact to intentionally violate plaintiffs Constitutionally protected rights. This is a violation of *SKINNER* vs. *OKLAHOMA* 316 U.S. 535 541 (1942) basic rights of man. Each individual introduced into this case began with the biases of the falsified reports. And their outright fabrications reports have been changed continuously to affect the outcome of permanency hearings and juvenile court judgments.

11. An example of this is from a SIA Report. Intake Name and ID Longo-222033^a Report type and date SIA Report 04/08/2001 6:40 pm. Decision and Date Screened in Now Emergency Response. Status and date. Approved 04/09/2001. Worker and Agency Vanessa Carri ngton, Judge Baker Screening A. Information on the children name Nicholas Longo Dob 05/21/1994 6 years. Information on Adults and Alleged Perpetrators Karen Longo mother, Christopher Longo Father. The mandated reporter is Richard Paradise. He is a psychologist in private practice and has has two sessions with the child. The reporter has no prior knowledge of abuse or neglect in this family. The reporter alleged the neglect of Nicholas Longo, age 6 years, by the mother. The reporter stated that he has been involved in two sessions with the child. The reporter stated that the father brought the child in, due to his writing on the walls of the Father's home with crayons. The child originally said that he could not control himself and it appeared that the child might have been sleep walking. The child stated to the reporter that the mother had been

telling him to write on the father's walls. The reporter stated that the child told the mother on Thursday that he had not written on the father's walls. Because of this the mother told the child to stand in the corner. The reporter stated that the mother forced the child to stand in the corner for approximately 5 hours. The reporter stated that the child asked the mother if he could use the bathroom. The mother would not allow the child to use the bathroom and the child urinated in his pants. The mother then yelled at the child for urinating on himself. The child also told the reporter that the mother sometimes leaves him in the care of her boyfriend Melvin who lives in Worcester. Melvin would occasionally leave the child in the home alone. The reporter stated that the father told the child to call the police. If this happened. The reporter stated that Melvin "found out" that the child was told to call the police. Melvin tied the child to the bed, so that he would not be able to call the police. The child has also told the reporter that Melvin hits him. The child also told

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the reporter that Melvin would drop him off so at the mother's Apartment, and leave him in the hallway, until his mother returned. The reporter stated that the mother and father share physical custody of the child. The reporter did not want to file against mother's boyfriend Melvin. In June 2013 a family assessment was made on my son Melvin Andrew and his father. The SIA for Longo was closed 6/25/2001 with the reason being Consumer Case Closed After Assessment. In the June 2013 Family Assessment made after paternity to Melvin Andrew was proven Jill Jeffers under orders from Ellen who wrote Melvin Andrew Punch was born on 4/5/13 at Boston Medical Center in Boston at 38.4 weeks gestation. Following a supported investigation on 4/5/2013 for the neglect of newborn Melvin Andrew by his parents Amy Whalen and Melvin Punch allegations were supported. At the time of the child's birth Ms Whalen tested positive for Cocaine, Opiates and Oxycodone at delivery. Baby Melvin tested positive on 4/6/2013 for Cocaine and Oxycodone.

and began displaying signs of withdrawal 51
on that evening. Mothers Medical records
noted that she was diagnosed with
Herpes Simplex Virus and she was not
following recommended medication regimen
during pregnancy. There was concern that the
baby may contract the infection. Ms
Whalen and Mr Punch refused to allow
the baby to receive medical care upon
delivery. Ms Whalen was also diagnosed
with Hepatitis C for which the baby
needed to be assessed upon birth and
parents refused to allow this. Mr Punch
denied any knowledge of mothers
substance abuse. Father Melvin Punch, has
a history with the department. On
4/8/01 a SIA was filed. A child disclosed
that his mothers boyfriend, Melvin Punch
has more than one occasion tied his
wrists and feet to the bed. He reported
that this was done so that he could
not call 911 to let someone know
that he was being left alone.
and that on one occasion Melvin

hit him on his bottom leaving a red mark. The allegations of physical abuse were supported. These SIA and SIB reports are constantly changed. The social worker, supervisor and Area Manager all agree to change the narrative of filed documents to support their false allegations. Prior to the SIA filed against plaintiffs Amy Whalen and Melvin Punch there was no history of Melvin Punch and the Department of Children and Families for the Longo case was closed in 2001. After plaintiff was determined to be Melvin Andrew's birth father this report was resurrected and added to the fathers file as a supported allegation. The SIA submitted by Carolyn Pitter on 4/15/2013 was altered to read on a copy printed 5/08/15 2:01pm father is associated to the Longo 3340337. Father Melvin Punch has a history with DCF. On 4/08/2001 a SIA was filed by a mandated reporter who filed a mandated report alleging the neglect and physical

Abuse of a 6 year old Child, Nicholas Longo.

The child disclosed that his mothers boyfriend, Melvin Punch, on more than one occasion while being baby sat by Mr. Punch, he was tied up in bed and left alone. He reported that he was tied in the bed with a rope. His wrists were tied to the bed as his feet were also tied. He reported this was done so he could not call 911 to let someone know he was being left alone. The child also reported that on one occasion he was hit by Mr. Punch on the bottom causing a red mark. He reported he knew there was a mark because he looked in the mirror. The child also reported that Melvin would drop him off at the mothers apartment and leave him in the hallway until mother returned. The allegation of physical abuse of this unrelated child by Mr. Punch was supported. At no time in 2001 was this plaintiff made aware of these allegations. It was not until 2013 when the SIA was rewritten to find the allegations against this plaintiff supported. During the permanency hearing held in 2015 Nicholas Longo now 20 testified these

Allegations were all false and he had been forced to relay this information by his birth father. Dcf used this false narrative in Court hearings, Conferences, Foster Care reviews, assessments, Service plans and all reports related to this case. This was all done in a deliberate attempt to deprive these plaintiffs of their Constitutionally guaranteed rights under Color of Law. Dcf Supervisor Ellen

12. Ward insisted in plaintiffs Service Plan that Dcf Social Workers were to be permitted to perform monthly home visits to my home. The first such visit occurred in April of 2013. At the April visit upon entering the home Dcf Social Worker Jill Jeffers immediately began walking from room to room and soon had inspected the entire downstairs of the four bedroom home. She then proceeded upstairs and walked room to room until the entire upstairs of the home had been inspected. She then proceeded back downstairs

to the living room of the house and sat down. After a few minutes she informed Amy Whalen and Melvin Punch that she wished to interview Amy Whalen alone and not in his presence. Mr Punch was asked to leave the room and Mrs Jeffers proceeded to interview Ms Whalen alone. This interview lasted more than one hour and a half. After this interview Mr Punch was called back downstairs and informed by Ms Jeffers that he too would be interviewed by Ms Jeffers alone and that his interview would be scheduled for Friday May 3 2013 at Plaintiff's home at 9:15am. Ms Jeffers then informed both plaintiffs that their son Melvin Andrew Punch had been placed in a pre adoptive home and the home contained three other children with ages from three year to thirteen years of age.

Def practice of isolating plaintiffs⁵⁶
 during interviews which are not
 recorded interferes with
 plaintiffs right to fair trial.

As is show in previous narratives
 contained here in it is common
 Def to change Amy Whalen and
 Melvin's statements and
 then swear to these statements
 as Court as being fact. Defendants
 did also conspire to deny parents
 their interest to care and manage
 their child. See dosky v. Kramer
 455 U.S. 745, 753 (1982)

13. June 14 2013 case dictation
 Notes of Jill Jeffers through
 her Supervisor Ellen Ward read
 Social Worker made a call to
 Foster Parents. Social Worker asked
 if they would be able to
 have the baby, baby Melvin
 available for paternity testing
 at the Worcester District Courthouse
 on Wed 6/19/13. They said they

Would be available for this.

This violates parent's Basic Rights of man Skinner v. Oklahoma 312 U.S. 535, 541 (1942) and is a Fourth Amendment Right violation.

(14) From April 12, 2013 to October Def Social Worker Jill Jeffers then other Social workers who were assigned to the case as two Social workers were assigned to home visits and all visits and follow up for services. Services included fathers Group weekly at Permet for 12 weeks and parenting classes a 2/12/2014 service plan strategy that Melvin Pugh meet with the Social Worker once per month Inform Social Worker of change in phone number or address, Sign releases of information for all current treatment providers (to include copies of all drug screens, complete a substance abuse evaluation and follow through with all recommendations, also sign a release of information so that the Social Worker can speak

With Clinician prior to completion of the evaluation so that the Department can accept this as a valid evaluation. Provide this Department with the results of any drug screens that are taken by any of his treatment providers. Refrain from the use of all illegal substances which includes but is not limited to misuse of prescription medication. Refrain from associating with known drug users or anyone who is under the influence of drugs. He will also not engage in any illegal activity. Maintain clean suitable housing that is clean, sanitary and substance free. Enroll, engage and complete fathers group classes. Take prescription medication only as prescribed. Provide the Department with a list of all current medication he is prescribed. He will also sign release of information forms to allow social worker to speak to his current prescribers to verify medical condition for which narcotics were prescribed and whether the

doctor has any concerns for substance misuse including prescription misuse. Engage in individual counseling to address stressors of not having custody of his child, being involved with someone in a relationship who has mental health and substance abuse issues, assess/address his own mental health and/or anger management issues, as well as any other issues he may be struggling with at this time, he will follow through with any recommendations that are made. Follow the recommendations of the Parenting/Psychological Evaluation that was completed on February 10, 2021. Provide the Department with verification of income to verify ability to provide basic needs for self and son.

15 Area Program manager William Triquet
Area manager Ann Horgan, Dcf Supervisor
Ellen Ward and Dcf Social Worker Jill
Jeffers and others held regular meetings
to plan the outcome of this case.
They did conspire collectively to deprive
plaintiffs of their rights under
Color of Law, deprive of Rights of
due process to deny Melvin Pugh and
Amy Whalen life, liberty and
their property. Plaintiffs made
Numerous attempts to comply with
wishes of the Department in a
desperate attempt to regain their
son. Department consistently
found parents not to be 100%
in compliance. Above named
Defendants demanded plaintiff
to take a Parenting Psychological
evaluation which was completed
2/12/21. On that day Supervisor
Ellen Ward, Jill Jeffers, Area
Program manager William Triquet
and Area Manager Ann Horgan held

where the govt was changed from
seewification of Plaintiffs Amy
Whalen and Melvin punch to adoption
of our son. These individuals did
intentionally interfere in Plaintiffs
Constitutional Right to live
together without governmental
Interference. The psychological
examination was completed in
February of 2014 it was performed
in DCF's Worcester West Office.

16. The psychologist was a regular
hire of DCF and her evaluation
was biased completely on the side
of DCF. She wrote in her report,
Melvin denied Amy's addiction problem.
He told a story about being in the
hospital and unable to subjugate
his Narcissistic need for
high status long enough to
jump through DCF hoops and take
his son home. Similar sentiments
were expressed in Mary Pot Le Blanc

Court Investigator for Worcester County Juvenile Court in her June 21, 2013 report. And also a Parenting Assessment done by Jennifer Fornsborg a Licensed Psychologist on 3/18/15. Which painted glowing assessments of the foster parents and a completely negative narrative for these plaintiffs. All of these reports are fruit from the poison tree of the first false narrative Carolyn Pitter, Mary Gail Cullinane and Jessica Colledo and Boston DCF along with lies and distortions of facts told by Boston Medical Center. A letter sent by Jill Durand to plaintiff Melvin Purchs Court appointed attorney Marina Matuzek states since we have been unable to connect regarding Melvin following my visit observation I thought I would share a short note regarding the evaluation.

To date I have had the opportunity to review records, speak with collateral providers, interview Mr. Punch on two occasions, administer testing and observe a visit. Mr. Punch appears to be of average intelligence. On testing he is defensive and does not endorse any significant problems. Both with regard to his own emotional functioning and parenting experience. It is my opinion that despite a personal history that might impact a person's social and emotional distress, furthermore he continues to deny information that is well documented in the records. These remarks clearly violate plaintiffs due process rights and denied them fair trial for custody of their son.

17. Dec 14, 2014 Plaintiff Melvin Punch received this letter from his Attorney Morina Matuzek Counsel moves this Honorable Court for leave to withdraw as Counsel for respondent father Melvin Punch and for the

Assignment of New Counsel from the Committee for Public Counsel Services. As grounds therefore Counsel States that she has previously moved to withdraw from this case on December 7 and December 9th 2015, and clearly stated to the Court that it would appear that there was a serious breakdown in communications with the respondent father and that in the interests of justice it would not benefit the respondent to continue to represent him. Counsel was ordered to continue to represent him and ordered to present all witnesses that the respondent father wished to call. And to present all documents the respondent father wished to present. Counsel met with respondent father on December 9 and 12 2015 and still disagrees with respondent father as to strategy. In July Plaintiff reported Attorney Matuzek to the Boston Board of Bar Overseers for not returning calls to providers or preparing witnesses to be called. She was ordered by them to take classes on Sundays.

At trial she did not object to evidence introduced by Anthony Mansfield Assistant Regional DCF Attorney. Including Adcare records for Melvin Punch, VA Medical Records for Melvin Punch Spectrum Health Systems records for Amy Whalen, Worcester Police Records for Amy Whalen and Melvin Punch, Court Investigators report of June 12 2013 and all Foster care reviews witnesses to be called by Atty Mansfield were Social workers and collaterals associated with the case including Ellen Ward, Jill Jeffers, Alison DeJordy, Cierra Fitz all DCF Social Workers who have contributed notes to this case as well as Decora Noel Adoption Worker, Jennifer Formberg Psy.D Christine Cline PhD. Attorney Mansfield requested Medical and Substance Abuse records and used that protected information to deny plaintiffs a fair trial. In Attorney Mansfield's request for these

records dated 11/25/2015. The State's
that medical and substance abuse treatment
records may be released if authorized
by an appropriate order of a Court
of competent jurisdiction granted
after application showing good cause
therefore including the need to
avert a substantial risk of death
or serious bodily harm. This was
not the reason for this request
and caused serious injury and due
process violations to the rights of
Plaintiffs. At the conclusion of
trial in January 2016 my parental
rights to my son were terminated.
This was due to these defendants
depriving plaintiffs of their rights
under color of law. This violated
plaintiffs rights under Skinner v
Oklahoma, and Meyers v. Nebraska.
And has caused plaintiffs irreparable
harm.

- ① The judge characterized the Father's miss' of visits with his Son as willful. Considering the fact that the majority of visits were made it is reasonable to assume that over the three plus years his Son was in DCF Custody that some of these visits would be missed.
- 2b. Conclusions of law. The judge's determination that the father was unfit by citing eight instances of which only four were challenged clearly shows that the father was represented by ineffectual counsel and that the trial was not held in the best interests of the father. This fact renders the trial unfair.
3. The fact that the DCF worker states that the father's visits with his Son went very well then testimony that the father sometimes became angry which were not challenged by the father's attorney also alludes to the fact that the father was represented by ineffectual counsel.
4. The fact that the trial judge accepted as fact that the father had not formed a bond with his Son even though DCF workers state that the visits went very well does not seem factual.

5. Denial of fair trial.

This is evidenced by the ineffectual Counsel the father had at trial by the fact that Numerous assertions were not objected to by the fathers Attorney and many Statements by the foster parents and the Childs mother which were hearsay were entered into the trial record as fact

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The fact that the judge asserted that the child's forced removal from his pre-adoptive home where he has significantly bonded to the family ~~but~~ would cause him substantial psychological harm does not bode well when given the fact that thousands of children are removed from homes and families where they have bonded each year by DCF. The ombudsman office has stated in the beginning of this case that this child should have never been removed from the father's custody is the beginning of this case. It was DCF error at the birth of this child to remove him from his father and more psychological harm would be caused to him by him not being raised by his own family and him not being raised proud of and bonded to his own race. It is in the interest of justice that this child be returned to his father and given his young age and with proper counseling he will be able to overcome any hardships which may develop by returning him to his father.

6 Or that the father failed to engage in 70
individual Counseling which the father did
Attend through adcare and through the U.A.

The father did acknowledge his alcohol ~~use~~
in the past through the U.A and Adcare
Sessions. At no time during the trial or
at visits with his Son did the father
display his alleged Narcissistic behavior
which was diagnosed by a department
associated therapist after only one assessment
the father engaged in Counseling on numerous
occasions over a nearly three year period

There was no evidence other than here say
that there was ever any substances in
the fathers home. The father passed numerous
drug Screens which clearly showed him to
be free of substances. The father placed
his Son's need upper most in his life
by going to each visit fully prepared
and by having a bedroom fully equipped
to house his Son.

20. On 6/6/14 Plaintiff Melvin Punch was ordered by the Department of Revenue in Worcester to pay \$144.00 dollars weekly in Child Support for Melvin Andrew Punch even though my parental rights had been terminated. I was found to be automatically in arrears for 1,296. as retroactive for 9 wks, These payments lasted over 2 years and totaled nearly \$20,000 dollars. This is an infringement on plaintiffs Basic Rights of mom and is violation of Skinner v. Oklahoma. Def received money from Social Security to remove and care for my son. forcing plaintiff to pay support for a child he can no longer see is a violation of my Constitutional rights.

21. On July 6 my 2nd son with Amy Whalen was born in Saint Vincent's hospital in Worcester. Worcester West Investigation Unit & Sgt DCF Social Worker Nicole Polissack. Her narrative is as follows mandated reporter is alleging the neglect of Kyion Punch age one day by the mother Amy Whalen. The mother told the reporter that she has six other children none of whom are in her care. Mother is currently presumptive for Cocaine. She had a C Section. The nurses have numerous concerns. The nurses told the parents that they needed the baby's meconium however after the baby pooped the diaper could not be found. Mother denied Cocaine use during pregnancy. And reported the report was false. Hospital staff stated they removed a sample of Plaintiff's urine from her urethra bag while she was under going surgery. Mrs Whalen demanded a new urine screen be completed

It was ~~and~~ that evening the results were negative. Nurses reported that the third attempt to collect urine was completed and the infants urine was negative. Although hospital staff stated Ms Whalen was presumptively positive. Ms Whalen has no positive screens. Saint Vincent Hospital lab report contains a disclaimer. This test was developed and its performance characteristics determined by Lab Corp Laboratories. It has not been cleared or approved by the U.S Food and Drug Administration. This test is used for clinical purposes. It should not be regarded as investigational or research. Yet Dcf used this faulty test to create a narrative to take Rivon Punch into Dcf Custody where he remains today. Also in regards to the hospital's claim they could not search the baby's mercurium Dcf produced a Med Tox

States on the day Kyion was born 7/6/2017 a 50 old baby girl was tested and found to be positive for Substances. The document appears to have been altered. Building this new case on the back of the previous one more false allegations are added to the case file to deny parents their constitutional rights to their children and to deny them a fair trial. On July 13th 2017 after 6 consecutive days and nights in St Vincents Hospital with our son DCF Social worker Nicole Polissack arrived at plaintiffs hospit room with hospital security. Nurses took Kyion and locked him in the nursery while plaintiffs whole and punch were forced to leave the hospital. DCF has made no effort to reunite this family after nearly 6 years of their son Kyion being in DCF care.

Kyion was injured in a in home daycare in the foster home he was staying and was seriously injured and no SIA was supported for this abuse. In May 2022 Plaintiff Kyion informed Department of Children and Families Social Worker Eric Deyu that his arm had been injured in the foster home by the foster parent who suspended Plaintiff Kyion in the air by one arm as a punishment. I immediately reported this abuse to the DCF Abuse Hotline, the investigation of this abuse by Department of Children and Families Worcester West Social Workers and Supervisors Eric Deyu, Ellen Ward, Kevin Wallace, William Trainque, and

A care and Protection Order was granted 7/13/2017 for Kyion to be placed in Def Custody. On December 20 2017 A letter was sent to plaintiffs from Defendants Tricia Blake and Alexis Ladner the purpose of this letter is to inform you that the Department completed a Permanency Planning Conference at which the concurrent goal of Adoption was established for Kyion Punch. This conference was attended by Def Supervisors, Adoption Workers and Def Attorney of Anthony Mansfield Office Def Social Worker Nicole Polissack contacted St Vincents Hospital worker Trisha Stacey who at that time had reviewed all nursing notes from each shift throughout the weekend without concern. She reports the parents were appropriate and the baby is doing well. The infant was not scoring for withdrawal and is ready for discharge. This was Case Dictation notes dated 7/10/2017

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Q2 ON January 11, 2020 while traveling through Rhode Island Plaintiff Amy Whalen in active labor arrived at Womens and Infants Hospital in Providence Rhode Island. Plaintiff Kaylani Punch was born completely healthy Womens and Infants Hospital found NO evidence of ANY substance in Plaintiff Kaylani Punch NOR Plaintiff Amy Whalen. STAFF at Womens and Infants Hospital requested Plaintiffs Whalens permission to retrieve her medical records from her primary Care physician at St Vincents Hospital in Worcester Massachusetts. Plaintiff Whalen agreed and the records were retrieved. Contained in Plaintiff Whalens Medical Records was a notation by her primary Care Physician of Plaintiff Whalens involvement with Massachusetts

Department of Children and Families
located in Worcester Massachusetts
upon learning this Defendant Social
worker employed by women and
infants Hospital restricted Plaintiff
Whalen and Punch's from complete
access to Plaintiff Kaylan. These
defendants took custody of Plaintiff
Kaylan where access could only be
granted to Plaintiff Kaylan
was in a locked and staffed
nursery. Defendants violated
Plaintiff's rights by placing
Plaintiff Kaylan in Defendants
custody.

DCF Social worker Cindy Febus traveled to Women's and Infants Hospital in Rhode Island from Worcester. She stated that Women's and Infants Social Worker called Worcester West DCF to report a substance exposed child. This is a complete falsehood. All toxicology reports for mother and child Kaylani Pugh are clean for substances. Also being in Rhode Island, if Kaylani would have been substance exposed Rhode Island Child Protective Services would have become involved in the case and not Massachusetts. Again we see DCF Social workers changing narratives to deny these plaintiffs their Constitutional Rights to their children. All reports contained in Department of Children and Parents files finds the parents unfit and the children substance exposed. This was not the case for Melvin Andrew, Kyion and Kyion.

Punch. Raylan was removed from her parents care and placed in Foster Care in Massachusetts depriving plaintiffs of their rights under color of law

23. On February 15 20.22 Celeste Norberto was born in Umass Hospital to Raymond Norberto and Amy Whalen. DCF Social Worker Eric Deyn took custody of this child from the hospital and her parents because he had concerns Amy Whalen was in a relationship with Melvin Punch Deyn's Supervisor at DCF Kevin Wallace concurred with this decision and ordered it followed. He also moved to have Celeste's case moved to Worcester for termination of the parents rights even though the case is being held in Dudley District Court and the Judge there wants to return the child to her parents.

though neither plaintiff Whalen nor plaintiff Kaylawi had any illegal substances in their bodies both Plaintiff Whalen and Plaintiff Kaylawi were held at Women and Infants Hospital past her discharge date. Defendants then conspired with Defendant Massachusetts Department of Children and Families to travel to Rhode Island and take custody of Plaintiff Kaylawi and transport Plaintiff Kaylawi to Massachusetts and place Plaintiff in State Custody. In violation of State and Federal law. This is a violation of the 4th Amendment which ensures persons shall be safe from unreasonable search and seizure.

For plaintiff Celeste Norberto. In his remarks to the Court Attorney Villa did state that Plaintiffs Melvin Punch and Plaintiff Amy Whalen would definitely lose their parental rights to plaintiff Kyion Punch and Kaylani Punch. Attorney Villa is representing DCF in Plaintiffs separate case for Kyion and Kaylani Punch. That trial ~~is~~ scheduled for November and yet Attorney Villa is already certain of its outcome. This is a violation of Plaintiffs Due Process Rights and is a violation of the 14th Amendment to the U.S. Constitution.

② In a Foster Care Review held at Worcester West Department of Children and Families held in Worcester Massachusetts in

October of 2023 Department of Children and Families Worcester West Social workers Erica DeyA, Elten Ward, William Trainque, Kevin Wallace, Jessica Mackowiak, Ann Horgan along with attorneys Jonathan Villa, Erin Ruggan and others all concluded that Plaintiffs Melvin Punch, Amy Whalen would lose custody of Plaintiffs Kyion Punch and Kaylani Punch at their upcoming trial in November of 2022. These individuals along with others did conspire to deprive Plaintiffs their Constitutional Protected Rights under Color of Authority. These individuals created a Narrative about Plaintiffs Melvin Punch and Amy Whalen then introduced their Narrative in State Court under oath to deceive that Court into believing their false statements were fact. This deprived the plaintiffs of their Right to fair trial.

24. Cause of Action in this Complaint
 D are violations of Skinner v. Oklahoma
 316 U.S., 535, 541 (1942)
 Basic Rights of Man

② violations of Stanley v. Illinois
 405 U.S. 645, 651 (1972)
 importance of Family relations
 under the Law

③ violations of Meyers v. Nebraska
 62 U.S. 390, 399 (1923)

Right to Conceive and raise ones
 children deemed essential

④ Sandusky v. Kramer violations of
 455 U.S. 745, 753 (1982)
 Parents interest to care and
 manage the child does not
 evaporate to the State if parents
 are not model parents.

⑤ Deprivation of Rights under
 color of Law

⑥ Denial of Fair trial.
 Due process clause and the fact
 no person will be deprived of
 life, liberty or deposed of property

7. the fact that anyone who testifies in Court must have 1st hand

Knowledge of the events. Use of police reports go against rules and procedures of Court and such that testimony must be disallowed

8. These defendants used trickery, dress fabrication and false testimony and false evidence and failed to disclose exculpatory evidence in preparing reports and Court documents to the Court.

9. All Codes rules and regulations are for government authorities only we plaintiffs affirm we are human Creators in accordance with Gods laws. All Codes, rules and regulations are UNConstitutional and lack due process. yet these codes, rules and regulations are and continue to be used to deny plaintiffs their Constitutional rights and keep Melvin A. Punch, Kyion Punch, Rayloni Punch and Celeste

- Norberto in State Custody AND
deprive plaintiffs of their rights in
violation of *Rodriguez v. Ray* 769 F.2d. 1344, 1348 (1985)
10. State funds have been misappropriated by fraud and false testimony.
 11. Obstruction of Justice by State Officials
 12. Misuse of Official Authority
 13. AND intent to defraud the Federal Government through the Social Security Trust Fund.
 14. Abuse of position as a public servant by performing illegal acts within or related to their official duties.
 15. NO warrant was issued which had been signed by a judge with an affidavit signed by 2 cooperating witnesses and obtained from the court to remove AND of the four named children

16. Law of Supremacy
no state may make laws
that take away U.S Constitutional
Rights

17. Cruden vs. Neal
every man is independent of
all laws except those prescribed
by nature. He is not bound
by any institutions formed
by his fellow man without
his consent.

18. Violation of plaintiffs
Declaration of Rights and the
perpetuity of individual Rights

19. These individuals actions seriously
violated plaintiffs rights and caused
them irreparable harm. Their actions
are an affront to the public at
large and we ask this Court to
allow this action to move forward
to repair the public interests
and confidence in our Judiciary
and our Child Protective Services System.
These crimes cannot go unpunished
and allowed to continue to harm the public

Plaintiffs are asking Punitive and
Compensatory Damages from all
Defendants in the amount of
66 million dollars, and the return of
Melvin Andrew Funch, Kyion Funch,
Rayloni Funch and Celeste Norberto
to their parents plaintiffs Melvin
Funch and Amy Whalen

Signed under pains and penalty
of Perjury

Respectfully Submitted
Melvin Funch
Muh Funch 2/24/2023

Amy Whalen
Amy Whalen
2/24/23